



FULBRIGHT & JAWORSKI L.L.P.

A REGISTERED LIMITED LIABILITY PARTNERSHIP
600 CONGRESS AVENUE, SUITE 2400
AUSTIN, TEXAS 78701-3271
WWW.FULBRIGHT.COM

1638
#7
CredA

RHANSON@FULBRIGHT.COM
DIRECT DIAL: (512) 536-3085

TELEPHONE: (512) 474-5201
FACSIMILE: (512) 536-4598

April 14, 2003

CERTIFICATE OF MAILING 37 C.F.R. 1.8	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on the date below.	
April 14, 2003 Date	 Robert E. Hanson

TECH CENTER 1600/2900

APR 23 2003

RECEIVED

Commissioner For Patents
Washington, DC 20231

Re: *SN 10/057,775 entitled "PLANTS AND SEEDS OF CORN VARIETY I390186"*
by Rodney L. Tietz;
Our Ref: DEKA:288US; Client Ref. [34-63(52333)]

Commissioner:

Enclosed for filing in the above-referenced patent application is:

1. An Amendment and Response to Office Action dated January 30, 2003, with Appendices A, B, and C; and
2. A return postcard to acknowledge receipt of these materials. Please date stamp and mail this postcard.

Should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, or should an overpayment be included herein, the Commissioner is authorized to deduct or credit said fees from or to Fulbright & Jaworski L.L.P. Account No.: 50-1212/DEKA:288US.

Respectfully submitted,

Robert E. Hanson
Reg. No. 42,628

REH/vv

Enclosures: As noted

25285213.1 / 10200515



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Rodney L. Tietz

Serial No.: 10/057,775

Filed: January 25, 2002

For: PLANTS AND SEEDS OF CORN
VARIETY I390186

Group Art Unit: 1638

Examiner: Mehta, A.

Atty. Dkt. No.: DEKA:288US

TECH CENTER 1600/2900

APR 23 2003

RECEIVED

CERTIFICATE OF MAILING
37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Box Missing Parts, Commissioner for Patents, Washington, DC 20231, on the date below:

April 14, 2003
Date

Robert E. Hanson

**I. AMENDMENT; AND II. RESPONSE TO OFFICE ACTION
DATED JANUARY 30, 2003**

Commissioner for Patents
Washington, D.C. 20231

Sir:

This paper is submitted in response to the Office Action dated January 30, 2003, for which the three-month date for response is April 30, 2003. No fees are believed to be due in connection with the instant paper, however, should such fees be due consider this paragraph a request and authorization to withdraw the appropriate fee under 37 C.F.R. §§ 1.16 to 1.21 from *Fulbright & Jaworski, L.L.P.* Account No. 50-1212/DEKA:288US.

Reconsideration of the application is respectfully requested.

I. AMENDMENT

Please make the following amendments:

In the Specification:

Please replace the paragraph beginning at page 5, line 15, with the following:

-- The invention also concerns seed of the inbred corn variety I390186. A sample of this seed has been deposited under ATCC Accession No. PTA-4491. The inbred corn seed of the invention may be provided as an essentially homogeneous population of inbred corn seed of the variety designated I390186. Essentially homogeneous populations of inbred seed are those that consist essentially of the particular inbred seed, and are generally free from substantial numbers of other seed, so that the inbred seed forms between about 90% and about 100% of the total seed, and preferably, between about 95% and about 100% of the total seed. Most preferably, an essentially homogeneous population of inbred corn seed will contain between about 98.5%, 99%, 99.5% and about 99.9% of inbred seed, as measured by seed grow outs. This corresponds to current commercial practice among the leading companies in the seed industry.--

Please replace the paragraph beginning at page 10, line 19, with the following:

-- In still yet another aspect, the present invention provides a method of producing an inbred corn plant derived from the corn variety I390186, the method comprising the steps of: (a) preparing a progeny plant derived from corn variety I390186, wherein said preparing comprises crossing a plant of the corn variety I390186 with a second corn plant, and wherein a sample of the seed of corn variety I390186 has been deposited under ATCC Accession No. PTA-4491; (b) crossing the progeny plant with itself or a second plant to produce a seed of a progeny plant of a subsequent generation; (c) growing a progeny plant of a subsequent generation from said seed of a progeny plant of a subsequent generation and crossing the progeny plant of a subsequent generation with itself or a second plant; and (d) repeating steps (c) and (d) for an addition 3-10